

AMENDED IN SENATE MAY 11, 2009

AMENDED IN SENATE APRIL 21, 2009

AMENDED IN SENATE APRIL 2, 2009

**SENATE BILL**

**No. 671**

---

**Introduced by Senator Runner**

February 27, 2009

---

An act to amend Section 51203 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 671, as amended, Runner. Agricultural land: valuation.

Existing law requires the county assessor to assess current fair market valuations to determine the cancellation fee for removing land from a Williamson Act contract. Existing law permits the Department of Conservation or the landowner, if either believes that the current fair market valuations are inaccurate, to request formal review from the county assessor in the county considering the cancellation petition and authorizes the assessor to recover his or her reasonable costs of the formal review from the party requesting the review, as specified.

This bill would authorize the assessor to require a deposit *from the landowner* to cover the contingency that payment of a cancellation fee will not necessarily result from the completion of a formal review, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 51203 of the Government Code is  
2 amended to read:

3     51203. (a) The assessor shall determine the current fair market  
4 value of the land as if it were free of the contractual restriction  
5 pursuant to Section 51283. The Department of Conservation or  
6 the landowner, also referred to in this section as “parties,” may  
7 provide information to assist the assessor to determine the value.  
8 Any information provided to the assessor shall be served on the  
9 other party, unless the information was provided at the request of  
10 the assessor, and would be confidential under law if required of  
11 an assessee.

12     (b) Within 45 days of receiving the assessor’s notice pursuant  
13 to subdivision (a) of Section 51283 or *Section* 51283.4, if the  
14 Department of Conservation or the landowner believes that the  
15 current fair market valuation certified pursuant to subdivision (b)  
16 of Section 51283 or Section 51283.4 is not accurate, the department  
17 or the landowner may request formal review from the county  
18 assessor in the county considering the petition to cancel the  
19 contract. The department or the landowner shall submit to the  
20 assessor and the other party the reasons for believing the valuation  
21 is not accurate and the additional information the requesting party  
22 believes may substantiate a recalculation of the property valuation.  
23 The assessor may recover his or her reasonable costs of the formal  
24 review from the party requesting the review, and may provide an  
25 estimate of those costs to the requesting party. The recovery of  
26 these costs from the department may be deducted by the city or  
27 county from cancellation fees received pursuant to this chapter  
28 prior to transmittal to the Controller for deposit in the Soil  
29 Conservation Fund. The assessor may require a deposit *from the*  
30 *landowner* to cover the contingency that payment of a cancellation  
31 fee will not necessarily result from the completion of a formal  
32 review. This subdivision shall not be construed as a limitation on  
33 the authority provided in Section 51287 for cities or counties to  
34 recover their costs in the cancellation process, except that the  
35 assessor’s costs of conducting a formal review shall not be borne  
36 by the nonrequesting party.

1 (1) If no request is made within 45 days of receiving notice by  
2 certified mail of the valuation, the assessor's valuation shall be  
3 used to calculate the fee.

4 (2) Upon receiving a request for formal review, the assessor  
5 shall formally review his or her valuation if, based on the  
6 determination of the assessor, the information may have a material  
7 effect on valuation of the property. The assessor shall notify the  
8 parties that the formal review is being undertaken and that  
9 information to aid the assessor's review shall be submitted within  
10 30 days of the date of the notice to the parties. Any information  
11 submitted to the assessor shall be served on the other party who  
12 shall have 30 days to respond to that information to the assessor.  
13 If the response to the assessor contains new information, the party  
14 receiving that response shall have 20 days to respond to the  
15 assessor as to the new information. All submittals and responses  
16 to the assessor shall be served on the other party by personal service  
17 or an affidavit of mailing. The assessor shall avoid ex parte contacts  
18 during the formal review and shall report any such contacts to the  
19 department and the landowner at the same time the review is  
20 complete. The assessor shall complete the review no later than 120  
21 days of receiving the request.

22 (3) At the conclusion of the formal review, the assessor shall  
23 either revise the cancellation valuation or determine that the  
24 original cancellation valuation is accurate. The assessor shall send  
25 the revised valuation or notice of the determination that the  
26 valuation is accurate to the department, the landowner, and the  
27 board or council considering the petition to cancel the contract.  
28 The assessor shall include a brief narrative of what consideration  
29 was given to the items of information and responses directly  
30 relating to the cancellation value submitted by the parties. The  
31 assessor shall give no consideration to a party's information or  
32 response that was not served on the other party. If the assessor  
33 denies a formal review, a brief narrative shall be provided to the  
34 parties indicating the basis for the denial, if requested.

35 (c) For purposes of this section, the valuation date of any revised  
36 valuation pursuant to formal review or following judicial challenge  
37 shall remain the date of the assessor's initial valuation, or his or  
38 her initial recomputation pursuant to Section 51283.4. For purposes  
39 of cancellation fee calculation in a tentative cancellation as  
40 provided in Section 51283, or in a recomputation for final

1 cancellation as provided in Section 51283.4, a cancellation value  
2 shall be considered current for one year after its determination and  
3 certification by the assessor.

4 (d) Notwithstanding any other provision of this section, the  
5 department and the landowner may agree on a cancellation  
6 valuation of the land. The agreed valuation shall serve as the  
7 cancellation valuation pursuant to Section 51283 or Section  
8 51283.4. The agreement shall be transmitted to the board or council  
9 considering the petition to cancel the contract.

10 (e) This section represents the exclusive administrative  
11 procedure for appealing a cancellation valuation calculated pursuant  
12 to this section. The Department of Conservation shall represent  
13 the interests of the state in the administrative and judicial remedies  
14 for challenging the determination of a cancellation valuation or  
15 cancellation fee.